

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TARA CHEREE GILMORE,)	
)	
Plaintiff,)	Civil Action No. 23-201
v.)	
)	Judge Cathy Bissoon
LOUIS DEJOY,)	
POSTMASTER GENERAL, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Defendants Postmaster General Louis DeJoy’s and Postmaster Manager Brian Arthrell’s Renewed Motion to Dismiss (Doc. 27) will be granted.

Plaintiff is a former U.S. Postal Service worker who filed a *pro se* form complaint, averring disability discrimination against the Postmaster General and her former Postmaster Manager. Compl. (Doc. 4) at 1–2. Plaintiff alleges unlawful termination, unequal terms and conditions of her employment and failure to accommodate in violation of the Americans with Disabilities Act, 42 U.S.C. §§ 12112–12117; “Sections 501 and 505 of the Rehabilitation Act of 1973”; and the “Civil Rights Act of 1991 Sections 102 and 103.” Compl. 3–4. Plaintiff alleges only that the discriminatory acts occurred between December 2019 to June 2020, based on an “[i]njury to left knee while performing job duties for USPS,” *id.* at 4, but has offered nothing more other than attaching her EEO Complaint to the form complaint. This fails to satisfy the minimum standard of pleading even under a liberal construction.

As the government correctly notes, Plaintiff has failed to provide any facts about how each Defendant caused her harm or violated her rights. Gov’t Br. (Doc. 28) at 4–5 (stating, *inter alia*, “When, where, and how she injured her knee”; “What, exactly the injury was – and whether, when, and how she recovered from that injury”; “In what specific way(s) Defendants

created or provided ‘[u]nequal terms and conditions of . . . employment’). Plaintiff attempts to cure this deficiency simply by listing citations to the EEO Complaint in her response to the government’s motion to dismiss, *see generally* Resp. (Doc. 31), but as the government argues, it still leaves Defendants and the Court guessing the facts of Plaintiff’s claims today. Gov’t Reply (Doc. 32) at 3 (listing cases). At bottom, Plaintiff’s Complaint is a collection of “bare averment[s] that [s]he wants relief and [believes she] is entitled to it.” Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 556 n.3 (2007) (citation to quoted source omitted). That is not enough.

Accordingly, Defendants Postmaster General Louis DeJoy’s and Postmaster Manager Brian Arthrell’s Renewed Motion to Dismiss (Doc. 27) is **GRANTED**. While the Court finds it difficult to imagine that Plaintiff’s claims will fare better if given leave to amend, out of an abundance of caution, the Court will grant Plaintiff one final opportunity to perfect her claims, if such claims exist. If no amended complaint is filed by **November 5, 2024**, dismissal of this action in its entirety will be converted to a DISMISSAL WITH PREJUDICE. Moreover, Plaintiff shall abide by the requirements of Federal Rule of Civil Procedure 10 (requiring numbered paragraphs, etc.). Lastly, Plaintiff must make last, best efforts in these regards because further opportunity for amendment will not be afforded. Accordingly, Plaintiff’s Complaint is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

October 15, 2024

cc (via First-Class U.S. Mail):
Tara Cheree Gilmore
310 Tower Road
Dawson, PA 15428

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):
All Counsel of Record